

Queensland's submission

Senate Select Committee inquiry Constitution Alteration (Water Resources) 2019

March 2020

Summary

The Queensland Government welcomes the opportunity to provide a written submission to the Senate Select Committee on the Multi-Jurisdictional Management and Execution of the Murray–Darling Basin Plan inquiry on the Constitution Alteration (Water Resources) 2019 Bill (the Bill).

In summary Queensland -

1. Strongly objects to the Bill's proposal to provide the Commonwealth Parliament with authority to make laws relating to water resources that extend beyond the limits of a State.
2. Supports the existing Murray-Darling Basin Plan 2012 and Great Artesian Basin Strategic Management Plan 2019 as the most appropriate and effective frameworks for achieving the stated purpose of the Bill.

Introduction

Queensland does not support additional Commonwealth powers to make laws to manage Australia's water resources on a nationally consistent basis as existing frameworks are appropriate and sufficient. Basin states and territory governments have a demonstrated capacity to effectively manage cross-border water resources of the Murray-Darling Basin and Great Artesian Basin using existing powers and in line with nationally agreed National Water Initiative principles and legislation.

Murray-Darling Basin

Queensland supports the Murray–Darling Basin Plan 2012 (Basin Plan) as the appropriate framework for achieving the stated purpose of the Bill in relation to cross-border water resources of the Murray-Darling Basin. Queensland remains committed to working with the Australian and Basin State Governments to implement the Basin Plan on time and in full.

Queensland has demonstrated its commitment to working cooperatively with all jurisdictions to implement the Basin Plan and was the first State to have all of its Murray-Darling Basin water resource plans completed and accredited as compliant with the Basin Plan by the Federal Water Minister. These water resource plans were developed based on hydrologic, socioeconomic, cultural and environmental assessments as well as extensive consultation. There is no evidence to support the assertion that additional Commonwealth powers would have contributed to better social, economic or environmental water management outcomes for Australian communities and ecosystems.

The Basin Plan is the long-term solution to contentious cross–border water sharing and management issues that have persisted since Australia's federation. The Basin Plan represents an historic opportunity to maximise social, economic and environmental outcomes of water management across the Murray–Darling Basin in accordance with agreed National Water Initiative principles.

The Basin Plan strikes the right balance between strategic federal government coordination and oversight of shared water resources, and State government responsibility for implementation and operation within different jurisdictions' frameworks.

Re-prosecuting the Basin Plan or the underpinning state and Commonwealth powers before the Basin Plan has even been fully implemented would be premature and would risk undermining the significant state and federal government investment to date in the Basin Plan and related programs.

Many key environmental Basin Plan outcomes are also long-term in nature, in some cases intergenerational, and expectations of significant measurable improvements in ecosystem health in the short term, prior to full implementation, are entirely unreasonable.

Additionally, the Basin Plan is limited in scope to water management only, and threats to achievement of some Basin Plan outcomes include a number of non-water management issues, such as land use and pest species impacts, which will rely on complementary Natural Resource Management measures to fully deliver significant on-ground improvements in aquatic ecosystem health. Importantly, Queensland's eco-hydraulic modelling approach isolates water management factors from non-water management factors when developing and testing water planning arrangements to achieve water planning outcomes.

Existing monitoring, evaluation and review mechanisms in the Basin Plan and state water plans will provide ample opportunity to monitor and improve water management arrangements over time as new information becomes available, including new information about the impacts of climate change on the availability of water, and the changing water needs of communities and the environment.

Issues identified by the numerous reviews of the Basin Plan and its implementation, such as inadequate water measurement and compliance, and sub-optimal coordination of cross border environmental watering, are being addressed by the relevant jurisdictions under agreed frameworks, for example the Basin Compliance Compact, the Queensland Rural Water Management Program, the Northern Basin Environmental Watering Group, and installation of an Inspector-General to oversee Basin plan implementation and compliance.

Great Artesian Basin

Queensland supports the Great Artesian Basin Strategic Management Plans (GAB SMP) as an appropriate and sufficient framework for coordinating management of Great Artesian Basin water resources across jurisdictions.

The first GAB SMP was released in 2000. In particular this plan assisted negotiating strategies and timings for bore rehabilitation and to coordinate efforts to rehabilitate hundreds of uncontrolled bores and remove or replace more than 22,000 km of open bore drains. Delivery of these activities, through a coordinated plan reduced the cost and overheads to the GAB jurisdictions.

The new Great Artesian Basin Strategic Management Plan 2019 provides ongoing guidance to governments and water users on the management of the Great Artesian Basin water

resource over the next 15 years, to increase consistency across jurisdictions and alignment with National Water Initiative principles. It does this without the need for national legislative oversight.

The inclusion of a strategic management plan principle around cultural heritage values for the GAB is a significant new addition and is consistent with the Queensland governments' adoption of the National Water Initiative principles around Aboriginal and Torres Strait Islander people's involvement in water management. This activity is being echoed in other GAB states.

The new GAB SMP also acknowledges the significant improvements in water planning across the GAB since the first management plan, but notes that new water using industries such as geothermal power and coal seam gas production, and expansion in the demand of groundwater caused by declines in surface water supplies may impact on the GAB. It encourages consistency in decision making processes between GAB states and information sharing, without the need for national legislative oversight.

The GAP SMP does not override the Queensland water management framework but it does give the state a voice in regards to how other states manage the same water body. For example, it can more easily ensure that other state water plans manage take, trade and water use in similar ways ensuring protection of a shared resource.

Governments in New South Wales, South Australia, Queensland and the Northern Territory have responsibility to develop policy, legislation and statutory plans for their respective parts of the GAB in line with the GAB SMP. The states have recently or are currently in the process of carrying out 10 year reviews of their GAB water plans. The Northern Territory GAB Water Allocation Plan is currently in draft form. Queensland released its new water plan for the Great Artesian Basin water resources in 2017.

The role of these plans is to protect the GAB and ensure that optimal benefits accrue from the best coordinated use of resources for current and future users and the environment. Monitoring and reporting requirements included in these plans will ensure that they improve over time as new information becomes available.

Conclusion

Both the Murray Darling Basin and Great Artesian Basin are large, complex, non-homogenous bodies of water. Communities and ecosystems that depend on them have highly diverse, dynamic and often competing water requirements. While inter jurisdictional agreements and cooperation are critical at a strategic level for consistently delivering of good social, economic and environmental water management outcomes at a macro scale, the states and territories remain best placed to tailor detailed water planning and allocation arrangements to specific needs of local communities and ecosystems.

In particular, Queensland's demonstrated successes in water planning and allocation are built on extensive community engagement, local knowledge and trust, accumulated over many decades. They are also underpinned by an extensive and growing body of world-

leading hydrological and ecological science which has been generated to specifically support water planning in Queensland. Queensland will not be relinquishing its responsibilities or relationships in this regard to a remote bureaucracy in another jurisdiction. It is even less likely that Queensland communities would allow this to occur.

SUBMISSION ENDS.